



Office of the Attorney General  
State of Texas

March 30, 1992

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ATTORNEY GENERAL

Mr. Leonard W. Peck, Jr.  
Assistant General Counsel  
Texas Department of Criminal Justice  
Institutional Division  
P.O. Box 99  
Huntsville, Texas 77342-0099

OR92-131

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14656.

The Texas Department of Criminal Justice Institutional Division (the "department") has received a request for information about a "post order" and about employee grooming standards. You claim that the post order is excepted from required public disclosure by section 3(a)(8) of the Open Records Act. Because you do not raise any exceptions for the "grooming standards," we presume this information has been or will be release to the requestor. See Open Records Decision No. 363 (1983).

Section 3(a)(8) excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how and why release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986)

(citing *Ex Parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)); *see also* Open Records Decision No. 413 (1984) (Department of Corrections is a "law enforcement" agency within the meaning of section 3(a)(8)).

You advise us:

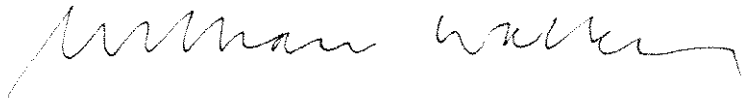
A Post Order is a specific description of the duties associated with the occupation of a specific security officer post. Correctional officers occupying specific posts are required to be especially attentive to certain routines and requirements associated with the operation of the specific posts. Each post will have its specific post order . . . .

Our practical problem is that if inmates know the details of the operation of posts, they can use that information to evade our security and routine procedures, either for the purpose of escape, or the commission of some assault or serious threat to the security of our institutions.

We have examined the documents submitted to us for review and conclude that release of the post order would undermine a legitimate law enforcement interest. Accordingly, the post order may be withheld from required public disclosure under section 3(a)(8) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-131.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/GK/nhb

Ref.: ID# 14656  
ID# 14759

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